In the Supreme Court of the United States

OCTOBER TERM, 1968

No. 576

CULLEN HUCKABY, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

Petitioner's "Reply Memorandum and Motion," makes appropriate the following further statement:

(1) As previously stated (Memorandum in Opposition in No. 394, pp. 4–5; Memorandum in Opposition in this case, p. 2), there is no evidence of governmental electronic surveillance in the record, and an independent investigation conducted by the Department of Justice discloses no indication of any such eavesdropping by the government.

(2) We have no knowledge of the "tapes of the wiretap" referred to on page 5 of petitioner's Reply Memorandum. If, as petitioner implies by describing their contents, he has seen or heard such tapes, it is

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difficult to appreciate why that fact was not put forward in the district court hearing on his motion for new trial.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

OCTOBER 1968.

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Vide No. 394 for motion for leave to file petition for rehearing (filed Dec 13, 1968)